



CHANDIGARH POLICE
OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1st
APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH
/UT/RTI/SSP, dated : 07.06.2021

Appeal Order No. 0-173-175

Name of Appellant : Mr. Tarminder Singh Chaudhary,
R/o # 2206, Sector 45-C, Chandigarh.

Concerned CPIOs : CPIO/South

Date of RTI application : 08.04.2021

Date of CPIO's Reply : 30.04.2021

Date of 1st Appeal : 11.05.2021

ORDER

The appellant has preferred 1st appeal (bearing No. PODEP/ A/E/21/00040 dated 11.05.2021) against the reply of CPIO/South in connection with her RTI application (bearing No. PODEP/R/E/21/00204 dated 08.04.2021) with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 40/UT/RTI/FAA/SSP dated 14.05.2021 for further proceeding under RTI Act.

INFORMATION SOUGHT IN RTI APPLICATION:-

The appellant had sought information on 02 points pertaining to case FIR No. 284/2018, PS-34, UT, Chandigarh.

COMMENTS OF CPIO/SOUTH: -

CPIO/South submitted that appellant has sought information through online RTI application. After obtaining report from SHO/PS-34, appellant was informed vide No. 194/CPIO/South dated 30.04.2021 that information sought vide point 01 i.e. case file of Case FIR No. 284/2018, PS-34 has already been submitted in the court of Ms. Meenakshi Gupta, JMIC on 25.08.2020 and case is under trial, hence record in question is not available with local police. As far as point 02 is concerned, appellant has sought information in questioning form which is not covered u/s 2(f) of RTI Act.

DECISION:-

I have gone through the contents of RTI application & appeal of the appellant, comments of CPIO/South vis-à-vis material available on record which

revealed that appellant had sought information on 02 points to case FIR No. 284/2018, PS-34, UT, Chandigarh

From carefully perusal of appeal as well as reply of the CPIO/South, it is categorically manifested that relevant record of aforementioned case FIR has been submitted in the Ld. Court for judicial verdict, therefore, CPIO is not in position to supply the requisite record.

Moreover, with regard to point No. 2, appellant has sought justifications/reasons/queries regarding investigation of aforesaid case FIR, which is not covered under the definition of 'Information' and 'Right to Information' delineated u/s 2(f) & (j) of RTI Act. For more clarity, the same is reiterated as under:-

- (f) "Information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form".
- (j) "Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority....."

Thus, from bare reading of above definitions, it is categorically clarified that applicant can seek only such information which is available in any material form with CPIO. In the instant case in hand, it is clear that appellant has not sought any material information which is held in record, hence, CPIO/South had appropriately disposed of RTI application. With these observations, instant appeal stands disposed of.

In case, the appellant is not satisfied with the disposal of appeal, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under the RTI Act within 90 days.

(Kuldeep Singh Chahal, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Mr. Tarminder Singh Chaudhary,
R/o # 2206, Sector 45-C, Chandigarh.
2. CPIO/South
3. Computer Section.